IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1250 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JK PARIKH & 5 - Petitioner(s)
Versus
STATE OF GUJARAT & 7 - Respondent(s)

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Appearance :

MR PC KAVINA for Petitioner(s) : 1,None for Petitioner(s) : None for Petitioner No(s).: for Petitioner(s) : 2 - 6.
MS ARCHNA RAVAL, ASST. GOVERNMENT PLEADER for Respondent(s) : 1 - 2.
MR DIPAK C RAVAL for Respondent(s) : 3 - 5.
NOTICE SERVED for Respondent(s) : 6 - 8.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 13/09/2006

ORAL JUDGMENT

1. By way of this petition under Article 226 of the

Constitution of India, the petitioners have made the following prayers :-

> *(B) To quash and set aside the order Annexure 'D" dated 24th March, 1995 No. Court Matter/LMN/86/754 issued by the Second Respondent to the extent the second respondent extends the benefit of re-adjustment of seniority of respondent No.3 to 8 as stated in paragraph 4 onwards in the said order and to further restrain the said respondents from giving effect to the said order in any manner;*
>
> *(C) To declare that the respondents Nos.3 to 8 were entitled to the relief claimed in the suit i.e. quashing of the orders of reversion passed in Civil Suit No.630 of 1976 and were not entitled to get any further benefit from the said declaration so as to get restoration of their seniority from the date other than 17th April, 1970 as determined by the statutory rules of 1970;*

2. Shri Dipak Raval, learned advocate appearing on behalf of the private respondents as well as Ms. Archna Raval, learned AGP, have submitted that the dispute was with regard to seniority and

challenging the seniority of the respondent Nos.3 to 8. It is also further submitted by them that during the pendency of the present Special Civil Application, all the petitioners as well as the respondent Nos.3 to 8 have attained the age of superannuation and have retired. It is also further submitted by Shri Raval that even there is no further prayer sought with regard to deemed date and/or other consequential benefits.

3. In view of the above and in view of the fact that the petitioners as well as the respondent Nos.3 to 8 have already retired and that there is no further relief for consequential benefits and/or with regard to deemed date, the present petition has become academic. Hence, this petition is dismissed.

4. Rule is discharged, however, there shall be no order as to costs.

[M.R.SHAH, J.]

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